
By: **Delegates Murray, Dumais, Kaiser, King, Lee, Madaleno, Montgomery,
Petzold, and Taylor**

Introduced and read first time: February 2, 2004

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Health Facilities - Nursing Homes - Family Council**

3 FOR the purpose of providing for the composition of a family council for a nursing
4 home; prohibiting a family council from being created or led by certain persons;
5 requiring a nursing home to give certain persons certain information about a
6 family council in the nursing home; requiring the nursing home to respond in
7 writing to certain communications from the family council within a certain time
8 frame; requiring a nursing home to create and to maintain certain
9 correspondence files; providing for the contents of certain files; requiring
10 records in regulatory files to be unedited; requiring records in public files to
11 delete certain information; providing the times for the review of public files by
12 certain persons; requiring a nursing home to promptly comply with a request by
13 a licensing authority to review certain files; defining a certain term; and
14 generally relating to a family council in nursing homes.

15 BY renumbering

16 Article - Health - General
17 Section 19-1415
18 to be Section 19-1416
19 Annotated Code of Maryland
20 (2000 Replacement Volume and 2003 Supplement)

21 BY adding to

22 Article - Health - General
23 Section 19-1415
24 Annotated Code of Maryland
25 (2000 Replacement Volume and 2003 Supplement)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
27 MARYLAND, That Section(s) 19-1415 of Article - Health - General of the Annotated
28 Code of Maryland be renumbered to be Section(s) 19-1416.

1 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
2 read as follows:

3 **Article - Health - General**

4 19-1415.

5 (A) IN THIS SECTION, "FAMILY COUNCIL" MEANS A GROUP OF INDIVIDUALS
6 WHO WORK TOGETHER TO PROTECT THE RIGHTS OF AND IMPROVE THE QUALITY OF
7 LIFE OF RESIDENTS OF A NURSING HOME.

8 (B) (1) A FAMILY COUNCIL FOR A NURSING HOME MAY CONSIST OF THE
9 FOLLOWING MEMBERS:

10 (I) RESIDENTS OF A NURSING HOME;

11 (II) MEMBERS OF A RESIDENT'S FAMILY;

12 (III) FRIENDS OF A RESIDENT; OR

13 (IV) REPRESENTATIVES OF TWO OR MORE RESIDENTS.

14 (2) A FAMILY COUNCIL MAY NOT BE CREATED OR LED BY THE OWNER,
15 OPERATOR, OR STAFF OF A NURSING HOME.

16 (C) A NURSING HOME SHALL GIVE EACH NEW OR PROSPECTIVE RESIDENT
17 THE FOLLOWING WRITTEN INFORMATION ABOUT THE FAMILY COUNCIL:

18 (1) THE NAME, ADDRESS, AND PHONE NUMBER OF A CURRENT MEMBER
19 OF THE FAMILY COUNCIL;

20 (2) A BRIEF DESCRIPTION OF THE PURPOSE AND FUNCTION OF THE
21 FAMILY COUNCIL; AND

22 (3) INSTRUCTIONS ON HOW THE RESIDENT OR PROSPECTIVE RESIDENT
23 MAY REVIEW THE PUBLIC FILES DESCRIBED IN SUBSECTION (E) OF THIS SECTION.

24 (D) A NURSING HOME SHALL RESPOND IN WRITING TO ANY WRITTEN
25 GRIEVANCE OR OTHER WRITTEN COMMUNICATION FROM THE FAMILY COUNCIL
26 WITHIN 10 DAYS AFTER RECEIVING A COMMUNICATION.

27 (E) (1) A NURSING HOME SHALL CREATE AND MAINTAIN A PUBLIC
28 CORRESPONDENCE FILE AND A REGULATORY CORRESPONDENCE FILE FOR
29 COMMUNICATIONS WITH A FAMILY COUNCIL.

30 (2) THE CORRESPONDENCE FILES SHALL INCLUDE A COPY OF EACH
31 WRITTEN COMMUNICATION AND RESPONSE DESCRIBED IN SUBSECTION (D) OF THIS
32 SECTION.

33 (3) (I) THE RECORDS IN THE REGULATORY FILE SHALL BE UNEDITED.

1 (II) THE RECORDS IN THE PUBLIC FILE SHALL DELETE ANY
2 INFORMATION THAT IDENTIFIES AN INDIVIDUAL RESIDENT.

3 (4) THE PUBLIC FILE MAY BE REVIEWED BY A RESIDENT, PROSPECTIVE
4 RESIDENT, OR THE REPRESENTATIVE OF EITHER A RESIDENT OR PROSPECTIVE
5 RESIDENT DURING NORMAL BUSINESS HOURS AND AT ANY OTHER TIME THE
6 NURSING HOME AGREES TO MAKE THE PUBLIC FILE AVAILABLE.

7 (5) THE NURSING HOME SHALL PROMPTLY COMPLY WITH A REQUEST
8 BY A LICENSING AUTHORITY TO REVIEW THE RECORDS IN EITHER THE PUBLIC OR
9 REGULATORY FILES.

10 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2004.